

REMARKS

Claims 1-15 are pending in the application of which claims 3, 6, 9, 12 and 15 have been withdrawn from consideration. By this Amendment, claim 1 has been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated March 11, 2011.

As To The Merits:

As to the merits of this case, the Examiner maintains the following rejection:

claims 1, 2, 4, 5, 7, 8, 10, 11, 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takayama et al. (US Patent Publication No. 2001/0019960) in view of Chinomi et al. (US Patent Publication No. 2004/0059498). This rejection is respectfully traversed.

During the December 20, 2010 interview, it was explained to the Examiner that the reliance on the Takayama reference was lacking, since in Takayama the mobile station can only receive content associated with the area of the mobile station is located; and the mobile station is unable to receive content guide information associating the content downloadable to the mobile telephones.

In the present Office Action, as noted on pages 6 and 7 of the Action, the Examiner acknowledges in view of the results of the interview that:

Takamaya fails to teach a display unit that displays a menu list for selecting a desirable item from within plural items; and where the information distribution server is equipped with: a content guide information distribution means that transmits a content guide information associating the content downloadable to the mobile telephones, Personal Handyphone System (“PHS”) devices and other mobile communication terminal equipment with the area to which such content may be downloaded to the mobile terminal; and the system is configured in such manner that the mobile telephones, Personal Handyphone System (PHS’) devices and other mobile communication terminal equipment acquires the content guide information associating the content corresponding to the selected item with the area to which such content may be downloaded, from the information distribution server and, in case of acquiring a specific content on the content guide information.

In order to overcome the above-noted drawbacks and deficiencies of the Takamaya reference, the Examiner relies on the secondary reference of Chinomi. More specifically, the Examiner takes the position on page 7 of the Action that Chinomi discloses:

a display unit that displays a menu list for selecting a desirable item from within plural items (list of contents that can be downloaded based on location, pg. 3, pp0042, and pp0047-pp0048); and where the information distribution server is equipped with: a content guide information (content download time) distribution means that transmits a content guide information (list content providing areas with associated download time) ... (pg. 14, pp0171);

and the system is configured in such manner that the mobile telephones ... acquires the content guide information associating the content corresponding to the selected item with the area to which such content may be downloaded (pg. 14, pp0171, pp0173), from the information distribution server and, in case of acquiring a specific content on the content guide information (download time of content based on selected criterion) (pg. 14, pp0171, pp0173). (Emphasis added).

Additionally, the Examiner asserts on page 3 of the Action that, “[b]ased on the Applicant’s clarification as discussed in the interview and as presented in the amendments, the secondary prior art reference (Chinomi) clearly teaches the at least claimed limitations. The at least claimed “content guide information” has been fairly characterized as the “content download time” (pg. 15, pp0171, pp0173, and pp0170).” (Emphasis added).

In view of the above, the Examiner is clearly relying on the disclosure provided in the sixth embodiment of the Chinomi reference, as illustrated in Figs. 19-21, and as described in

paragraphs [0168] – [0189] of the reference. More specifically, it appears that the Examiner is relying on step F2106 (in Fig. 21) of calculating the time required to complete content reception based on content size and sending the calculated time as special recommendation information to the vehicle-mounted terminal device in step F2109 as constituting the new feature of claim 1 regarding content guide information that is transmitted from the information server in advance of the requested content in question.

In other words, the Examiner is taking a broad interpretation of the term “content guide information” such that it is met by the disclosure of the content download time calculated in step F2106, which is transmitted in F2109 in advance of the requested content, which is transmitted in step F2112.

However, Applicants note that the actual distribution request for content from the user is sent in F2101 of Fig. 21, which is sent prior to the vehicle-mounted terminal device receiving the calculated time as special recommendation information in step F2109.

This is in contrast to the present claimed invention wherein a distribution request, in step S13 in Fig. 3 of the present application, is made based on and after the content guide information is received in step S12 from the information distribution server.

Therefore, claim 1 has been amended in order to further distinguish the present claimed invention from the Chinomi reference. More specifically, claim 1, as amended, now requires *wherein a distribution request for said content in question is made based on and after the content guide information is received by mobile telephones, Personal Handyphone System (“PHS”) and other mobile communication terminal equipment.*

In addition, Chinomi's 6th embodiment as shown in Fig. 6 discloses that the server presents suitable download points, such as a tearoom, restraint or movie theater, if the content download time is long, and after the terminal device send a request for downloading of desirable contents to the server in step S2101, the terminal receives a list of receivable places (download points) based on the information (download time) associated with the contents from the server.

Chinomi discloses to provide information relating to the content download point with the terminal, but does not disclose to provide a geographical area where contents are downloadable, with the terminal as disclosed in the present invention. Chinomi regards the download point as an area, but the area is facilities where a wireless access point is established and is different from downloadable and geographical contents providing area as mentioned in the present invention.

Chinomi teaches that the content receiving point is a range where radio waves can reach the terminal from the access point, and thereby receivable area is merely formed by the communication range using wireless LAN. Further, in Chinomi, the range of the area is changeable by the receiving sensitivities of the terminal and it is impossible to define a specific geographical area as a downloadable area, accordingly. In Chinomi, since the access point is a center of the area having a range of only scores of meters that is a communication distance between the terminal and the access point, the place of the access point is important.

In contrast, the area of the present invention is not an area based on the communication distance between the mobile terminal and the access point, but is a geographical area where the content is provided. In the present invention, transmitting/receiving range of radio wave of the

mobile phone terminal is scores of kilometers and the place of the access point is not concerned in forming the area.

Therefore, the present invention is different from providing area information by using Chinomi's invention.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
/THOMAS E. BROWN/

Thomas E. Brown
Attorney for Applicants
Registration No. 44,450
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TEB/nrp